

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ONYX THERAPEUTICS, INC.,	)	C.A. No. 16-988 (LPS)
	)	(CONSOLIDATED FOR DISCOVERY
Plaintiff,	)	PURPOSES)
	)	
v.	)	C.A. No. 16-1013 (LPS) (related case)
	)	C.A. No. 17-1235 (LPS) (related case)
CIPLA LIMITED, et al.,	)	
	)	REDACTED -
Defendants.	)	PUBLIC VERSION

**JOINT STIPULATION OF DISMISSAL OF ACTION**

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Plaintiff Onyx Therapeutics, Inc. (“Onyx”) and Defendants Qilu Pharma, Inc. and Qilu Pharmaceutical Co., Ltd. (collectively, “Qilu”) (together with Plaintiff, “the Parties”) hereby stipulate as follows:

WHEREAS Qilu filed with the United States Food and Drug Administration (“FDA”) its Abbreviated New Drug Application (“ANDA”) No. 209528 for generic carfilzomib 60 mg lyophilized powder for reconstitution and for intravenous administration (“ANDA No. 209528 Product”);

WHEREAS ANDA No. 209528 contained a certification pursuant to 21 U.S.C. § 505(j)(2)(A)(vii)(IV) that the claims of U.S. Patent Nos. 7,737,112 (“the ’112 patent”); 7,417,042 (“the ’042 patent”); 7,232,818 (“the ’818 patent”); 7,491,704 (“the ’704 patent”); 8,129,346 (“the ’346 patent”); 8,207,125 (“the ’125 patent”); 8,207,126 (“the ’126 patent”); 8,207,127 (“the ’127 patent”); and 8,207,297 (“the ’297 patent”) are invalid, unenforceable, and/or not infringed by Qilu’s ANDA No. 209528 Product;

WHEREAS Onyx brought this suit against Qilu charging Qilu with infringement of the ’112 patent, the ’042 patent, the ’818 patent, the ’704 patent, the ’346 patent, the ’125 patent, the ’126 patent, the ’127, and the ’297 patent (collectively, “the Patents-in-Suit”); and

[REDACTED]

[REDACTED]

[REDACTED]

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Onyx and Qilu,  
subject to the approval of this Court, as follows:

1. [REDACTED]

[REDACTED]

[REDACTED]

2. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. In reliance on Qilu's aforementioned representation and agreements, Onyx consents,  
agrees and stipulates to dismiss claims alleging infringement of the Patents-in-Suit by Qilu's  
ANDA No. 209528 Product or ANDA No. 209528.

4. The Parties agree that all of Onyx's claims of infringement are hereby dismissed,  
without prejudice.

5. The Parties agree that all of Qilu's counterclaims against Onyx are hereby dismissed,  
without prejudice.

6. [REDACTED]

[REDACTED]

7. Each party shall be responsible for its own fees, costs, and expenses in connection with the claims dismissed by this stipulation.

STIPULATED AND AGREED TO:

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Maryellen Noreika*

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SO ORDERED this \_\_\_\_\_ day of February 2018.

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J.